

*Pleasant Point Reservation*

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June 28, 2012

Administrator Lisa P. Jackson  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson,

I am Chief of the Passamaquoddy Tribal Government at Pleasant Point in Maine. The Passamaquoddy are a maritime people whose name means *People of the Pollock Place* and whose reservation consists of lands around and islands in the St. Croix River on the border of New Brunswick, Canada. Forever, we have depended on the rich resources of the ocean and the fish that seasonally spawn in the waters of our land. Time and again, Maine's fisheries management policies have unreasonably diminished our access to a sea-run resource upon which our culture and economy have historically depended.

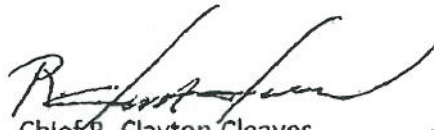
In 1980, the Maliseet, Penobscot and Passamaquoddy tribes entered into a land claims settlement (Settlement) with Maine and the United States in which Maine and the Tribes agreed to a process of consultation when tribal ordinances or state management policies were deemed to affect fish and wildlife stocks on lands and waters subject to regulation by the other party. In 1995, Maine's Legislature blocked passage of anadromous alewives at two of the lowermost dams on the St. Croix River, at Woodland and Grand Falls, causing this species to quickly decline from millions to less than a thousand fish. In 2008, the Maine Indian Tribal-State Commission (MITSC), established by the 1980 settlement agreement, asserted its responsibility under 30 MRSA, §6207(8) to intercede with Maine to open the fishways at Woodland and Grand Falls. MITSC advised the Governor's staff and the Legislature to reopen the St. Croix River fishways, closed in 1995. Maine's Legislature agreed to remove its barrier at the Woodland fishway, making available to the alewife only 2% of its spawning habitat. Unfortunately but predictably, this resulted in an alewife production level that is miniscule compared to pre-1995 numbers. Other sea-run species have virtually disappeared.

US Senator Melcher, in a report on September 17, 1980 to the US Senate Select Committee on Indian Affairs, authorizing funds for the settlement of Indian claims in the State of Maine wrote, "Nothing in the Settlement provides for acculturation, nor is it the intent of Congress to disturb

the culture or integrity of the Indian people of Maine." Administrator Jackson, we cannot adequately describe the fear that our culture, our identity, is at risk when a resource that defines us as a People, is disappearing. Furthermore, have not Maine's actions virtually resulted in the extirpation of a sea-run resource, and as such made a nullity of the sustenance benefit we bargained for in the 1980 Settlement with Maine and the United States?

I am informed of and support the Conservation Law Foundation's suit against EPA regarding Maine's actions on the St. Croix River. I believe that Maine has violated what the Clean Water Act and provisions of the Maine Indian Land Claims Settlement were intended to do, namely protect our resources. And as a federal trust agent for Indian people, I ask that you exercise your trust responsibility to undo the harm that Maine has perpetrated against us and take action to return to us our indigenous fish.

Woliwon,

A handwritten signature in black ink, appearing to read 'R. Clayton Cleaves', written over a horizontal line.

Chief R. Clayton Cleaves  
Passamaquoddy Tribe at Pleasant Point